

**Tennessee Board of Medical Examiners
May 5, 2004**

Teleconference Minutes

A teleconference for the Board of Medical Examiners was held at 3:15 p.m. in the Cumberland Room located on the First Floor of the Cordell Hull State Office Building on May 5, 2004.

Members in attendance electronically: Dr. Charles White and Ms. Mary Johnson

Member in attendance: Dr. Sam Barnes

Staff Present: Rosemarie Otto, Executive Director;
Robert J. Kraemer, Jr., General Counsel;
Sandra Powell, Administrator; Marsha Arnold,
Unit Manager; Mr. Robert O'Connell, Office of
General Counsel

A roll call was held to determine if each participant could hear the response of the other. Ms. Arnold stated the meeting was being held to discuss summarily suspending the medical license of Dr. Peter Thomas Gardner. Ms. Johnson made a motion to proceed to conduct the meeting electronically and Dr. White seconded the motion. A roll call vote was held to accept the motion and the motion was adopted unanimously.

A motion was made by Ms. Johnson to proceed to conduct the meeting electronically by determining that the matter to be discussed met the following requirements: The subject matter required timely action, the physical presence of all members was not possible considering the period of time required for action, and the participation by some or all of the members of the board by electronic or other means was necessary. Dr. White seconded the motion. A roll call vote was held to accept the motion and the motion was adopted unanimously.

Mr. Kraemer addressed the Board saying the state must prove that the health, safety and welfare of the public was in immediate jeopardy before Dr. Gardner's license could be summarily suspended. He then asked the members to elect a chair for the proceeding. Dr. White made a motion and Ms. Johnson seconded that Dr. Barnes chair the meeting. A roll call vote was held and the motion was adopted unanimously.

All participants were asked to identify themselves each time they spoke.

Mr. O'Connell made an opening statement and introduced Mr. Lance Saylor, Investigator for the Department. Mr. Saylor reported facts regarding Dr. Gardner's continued and ongoing abuse of controlled substances and his ongoing willingness to illegally prescribe controlled substances to other persons, not in the course of professional practice and established that Dr. Gardner was a danger to himself and to those with whom he comes in contact, including patients.

Mr. O'Connell had submitted to the panel proposed Findings of Fact and Conclusions of Law. Because the meeting was being conducted telephonically Dr. Barnes read aloud the proposals to the panel. Ms. Johnson made a motion to accept the Findings of Fact as written and Dr. White seconded the motion. The panel accepted the motion unanimously by roll call vote. Dr. White made a motion to accept the Conclusions of Law as written and Ms. Johnson seconded the motion. The motion was accepted unanimously by roll call vote.

Dr. White made a motion to summarily suspend the medical license of Peter Thomas Gardner immediately and that the suspension shall remain in effect until either an informal hearing, review or conference before the Board is requested by Dr. Gardner or the matter is presented to the Board pursuant to a Notice of Charges. Ms. Johnson seconded the motion and the motion was accepted unanimously by roll call vote.

Ms. Johnson made a motion ordering Dr. Gardner to pay all costs associated with the prosecution of this matter. Dr. White seconded the motion and the panel accepted the motion unanimously with a roll call vote.

Dr. White made the motion that the Findings of Fact and Conclusions of Law in the Order established that the public health, safety and welfare imperatively required emergency action to prevent Dr. Gardner from continuing the practice of medicine. Ms. Johnson seconded the motion. The panel accepted the motion unanimously with a roll call vote.

These minutes were ratified by the Board on May 18, 2004.

Allen Edmonson, MD, Secretary

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